OCA consumer register

A supplement to Consumer News

Vol. 6, No. 14, July 15, 1976

Register result

The following action has been taken by **Food & Drug Administration** (FDA). It was previously summarized in CONSUMER REGISTER as a proposal.

• **Food & Drug Administration** (FDA) has banned the use of chloroform in drugs & cosmetics as of July 29, but it is not ordering the recall of those products containing chloroform that are already on the market. FDA received comments from manufacturers, a doctor, a state consumer affairs unit, a professional association, trade association, & individuals. Single copies of a report on chloroform's cancer-causing potential are available from Office of Cancer Communications, **National Cancer Institute, National Institutes of Health,** Bethesda, MD 20014. Details—*Federal Register:* June 10, page 23449; June 29, page 26842. CONSUMER REGISTER: May 1.

Pandering ads

July 20 is deadline for comments on **Postal Service's** (PS) proposed addition to the *Postal Service Manual*.

Proposed regulation would tell consumers that they do not have to receive additional mail from an advertiser if the consumer considers the ad "erotically arousing or sexually provocative." Even if the consumer asked for the ad to be sent & then decided it was arousing or provocative, he could stop more such mail from a specific advertiser. A consumer could also request an order to stop mail being sent to any of his children under age 19 who live with him.

To stop such pandering mail, a consumer would apply for a prohibitory order at a post office, or fill out PS Form 2150 or sign a written statement. A consumer would have to bring the offending ad & opened envelope to the post office.

If PS approves the application, no mail from that particular sender, whether sexually arousing or not, could be sent to the customer.

The prohibitory order is not the same as another type of relief for dealing with the same type of problem. PS Form 2201 is used to remove a consumer's name from mailing lists dealing with sexually oriented material. For purposes of PS Form 2201, PS has already determined what is sexually oriented material. To obtain a prohibitory order, a consumer would be the sole judge of what is erotically arousing or provocative material.

Details—*Federal Register:* June 18, page 24726. Send comments to Assistant General Counsel, Consumer Protection Office, Postal Service, Washington, DC 20260.

Beer, wine & spirits (more)

Food & Drug Administration (FDA) has postponed the effective date for requiring ingredient labeling of alcoholic beverages until Jan. 1, 1978. Original effective date was Jan. 1, 1977.

U.S. Brewers' Association Inc. & Brewers' Association of America asked for the postponement because they said it would be extremely difficult & expensive for the manufacturers to meet the deadline—& that consumers would ultimately bear the cost of meeting the earlier deadline. (There are still problems to be resolved in determining proper ingredient labeling.)

Details—*Federal Register:* July 1, page 27102; May 5, page 18538; Nov. 24, 1975, page 54455. CONSUMER REGISTER: June 15; Dec. 1 & 15, 1975.

Standards

RAISINS—July 26 is deadline for comments on **Agriculture Dept.'s** proposal to revise & combine U.S. standards for grades of processed raisins & dried currants. Details—*Federal Register:* June 24, page 26021. Send comments to Hearing Clerk, Agriculture Dept., Washington, DC 20250.

SWEET POTATOES—**Agriculture Dept.** has revised its standards for grades of canned sweet potatoes. New rules set forth adjusted recommended minimum drained weights & a procedure to determine fill weights. Details—*Federal Register:* June 24, page 25987.

Combination meat products

Agriculture Dept. has issued interim standards of composition for cured meats that have been combined with nonmeat protein sources—soy protein, milk & wheat products. Standards, which went into effect May 28, allow these combination foods to be produced & provide for descriptive labeling.

Nonmeat protein substances can be combined with meat by grinding, pressing & injecting a solution of the protein into the meat.

Agriculture says combination meat products have gained consumer acceptance because they are less expensive than pure meat & because technology has advanced to the point where the products have an appealing flavor. However, to make the consumer aware that they are different from traditional pieces of meat, a product will be called, for example, "Combination Ham Product, 65% Ham," followed by a complete list of ingredients.

Other requirements say that the finished product:

• Must contain at least 17% protein.

• Must not contain more than 4 parts water to one part protein, consistent with the traditional cooked, cured product.

• Must have the nonmeat protein fortified, as necessary, so that finished food compares substantially with other specific nutritive characteristics—such as vitamins & minerals—of the traditional product.

Details—*Federal Register:* May 28, page 21760.

School records

Health, Education & Welfare Dept. (HEW) ha issued regulations to protect the privacy of parents & students. Regulations, which implement the Family Educational Rights & Privacy Act, apply to all schools that receive funds from the **Office of Education**—& most schools do receive some funds.

New regulations establish the rights of parents to see their children's school records (until the children reach the age of 18, or attend a post secondary school, when they may see their own records).

If the parents see something in the records that to them is inaccurate or misleading, they have a chance to challenge the accuracy & relevance of that information & ask that it be corrected or deleted. Then, if the school does not want to remove or correct the records, a hearing can be requested. If the school still leaves the offending information in the records, parents must be allowed to rebut that information. This rebuttal has to be inserted into the student's records.

Rules also limit the disclosure of personally identifiable information from school records without parental consent.

If parents feels their rights are still violated, they may file a complaint with HEW.

The whole problem of school records came to a head several years ago when a high school graduate who was looking for a job was unable to get one. Finally a prospective employer told him that he had seen the applicant's school record that reported a second grade incident: Applicant had demonstrated homosexual tendencies when he had put his arm around a male fellow classmate. This information was available to outsiders, but probably not to the parents. School records have traditionally been withheld from parents.

Regulations became effective June 17, but HEW realizes "that translating the intent of the law into practice might create a number of problems." Therefore after the reulations have been applied during the 1976–77 school year, there will be a 90-day comment period for school administrators to evaluate the effects & effectiveness of the regulation.

Details—*Federal Register:* June 17, page 24662.

Federal Register

Office of the Federal Register announces following briefings on how to use the *Federal Register:*

July 22 & 23, 9:30–noon
Conference Room 286
Everett M. Dirksen Federal Bldg.
Chicago, IL
(Space is limited & reservations are required. Call Miss Merrifield, 312–353–4242.)

Details—*Federal Register:* June 24, page 26083.

Aug. 3, 4, 5 & 6, 10 a.m.–12:30 p.m.
Conference Room 305A
Federal Bldg., 26 Federal Plaza
New York, NY
(Space is limited & reservations are required. Call Dorothy Gemmallo, 212–264–3514.)

Details—*Federal Register:* July 8, page 28046.

Bottled water

Aug. 20 is deadline for comments on **Food & Drug Administration's** (FDA) proposal to amend its quality standard for bottled water to maintain uniformity with **Environmental Protection Agency's** (EPA) national interim drinking water regulations. This standard establishes maximum contaminant levels for several substances & sets forth limits & testing requirements for certain bacteria & turbidity.

FDA is also proposing to amend its Current Good Manufacturing Practice Regulations in response to EPA's interim drinking water regulations.

Details—*Federal Register:* June 21, page 24896. Send comments to Hearing Clerk, Food & Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

About recalls

Aug. 30 is deadline for comments on **Food & Drug Administration's** (FDA) proposed regulations describing — for the first time — responsibilities of industry in dealing with all recalled products under FDA's jurisdiction. These products include foods, human & veterinary drugs (prescription as well as over-the-counter), cosmetics & medical devices.

A "recall" is defined as the removal or correction of a product that violates the law.

FDA says many companies have been following requirements on recalls, but these proposed regulations set forth formally what is expected of all companies. Some highlights of the guidelines:

- Manufacturers & distributors are expected to assume responsibility & expense for removing defective or harmful products from the market.
- Follow-up checks on how effective such removal has been are also the responsibility of industry.
- Companies are expected to develop contingency plans for product recalls that can be put into effect whenever needed.
- Companies must notify FDA as soon as they remove a product.
- Companies should keep records for use in tracing a product's distribution & should use codes that will identify specific batches of recalled products.

Rules also explain FDA's methods for evaluating how hazardous the defective products are & how the agency decides whether a public warning is needed.

CONSUMER NEWS reports significant recalls that are national in scope. Also, FDA issues a weekly *Enforcement Report* that notifies the public about every recall — even minor violations, such as failure to put the manufacturer's address on a product label.

Details—*Federal Register:* June 30, page 26924. Send comments to Hearing Clerk, Food & Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Injectable drugs

Sept. 29 is deadline for **Food & Drug Administration's** (FDA) proposal to impose stricter regulations on the manufacture of large volume parenteral (LVP)—or injectable—drug products for human use. These LVPs include such products as intravenous & irrigating solutions, blood-collecting units & other drugs used to supplement body fluids. Drugs are packaged in sterilized containers of 100 milliliters or more.

FDA is also asking for comments on the possibility of applying proposed LVP regulations to small volume (less than 100 milliliter size) drug products. Aug. 30 is deadline for comments on this proposal.

According to FDA, LVPs are most often used in fairly large amounts on seriously ill or weak persons, so the smallest problem with quality, strength, purity or sterility could be dangerous. Proposed regulations, an expansion of Current Good Manufacturing Practice regulations, specify methods of sterilization, cleanliness of facilities & quality control of water & air used in processing.

Proposal came as a result of review of the 4 major firms producing LVPs, after there were 6 recalls of these drugs in 5 years. Firms involved are Abbott Laboratories, North Chicago, IL; Cutter Laboratories, Berkeley, CA; McGraw Laboratories, Milledgeville, GA; & Travenol Laboratories, Morton Grove, IL.

Details—*Federal Register:* June 1, 1976, pages 22202 & 22219. Send comments to Hearing Clerk, Food & Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

This listing, prepared by Marion Q. Ciaccio, is intended only as summary coverage of selected *Federal Register* items deemed of particular interest to consumers, & it does not affect the legal status or effect of any document required or authorized to be published pursuant to Section 5 of Federal Register Act as amended, 44 U.S.C. 1505. *Federal Register* is published Monday through Friday (except Federal Government holidays) by **Office of the Federal Register, National Archives & Records Service, General Services Administration.** Subscription is $5 a month or $50 a year & may be ordered from **Superintendent of Documents, Government Printing Office,** Washington, DC 20402. Superintendent also sells copies of *Federal Register* for 75¢ each. Free copies of *Federal Register* may be available in libraries.

For you

These forms are for you to use, if you wish, in commenting on any Federal Agency proposal summarized in CONSUMER REGISTER. Of course, if you cannot get your comments on the front & back of a form, feel free to continue your comments on additional paper.

Send comment forms to addresses listed in the summaries.

CONSUMER NEWS is publishing these forms in cooperation with **Food & Drug Administration** (FDA).

Rate Register

Planes

• On July 8, **Civil Aeronautics Board** (CAB) ruled that airlines flying across state lines (those airlines regulated by the Federal Government) must charge all passengers the same fare for the specific part of a flight that takes place solely within one state. CAB said some Federal regulated airlines had established separate fares for flights within a state (such as California & Texas) to match the lower fares usually charged by airlines flying solely within a state under state regulation. However, unless passengers asked for the lower state fares, interstate airlines often charged its regular—& higher—fare. For example, on a flight from Houston to Washington, DC, via Dallas-Fort Worth, a knowledgeable passenger could ask for & get the lower, state-approved fare for the Houston to Dallas-Fort Worth portion of the trip. Those unaware of the lower state fare, would have to pay the interstate fare based on flying Houston direct to Washington.

CAB has given the interstate airlines 90 days to establish uniform fares for portions of flights within states.

• Aviation Consumer Action Project, a nonprofit consumer organization, has asked **Civil Aeronautics Board** (CAB) to rule on its petition which charges that Eastern Airlines' shuttle fares between New York & Boston & New York & Washington are illegally high. Shuttle passengers pay the same fares as scheduled passengers who have reservations & beverage service.

• On June 29, Trans World Airlines asked **Civil Aeronautics Board**

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Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

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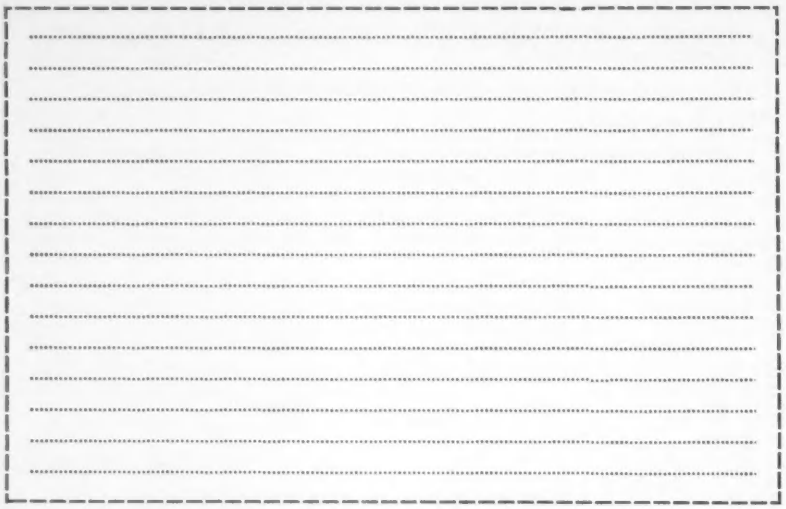

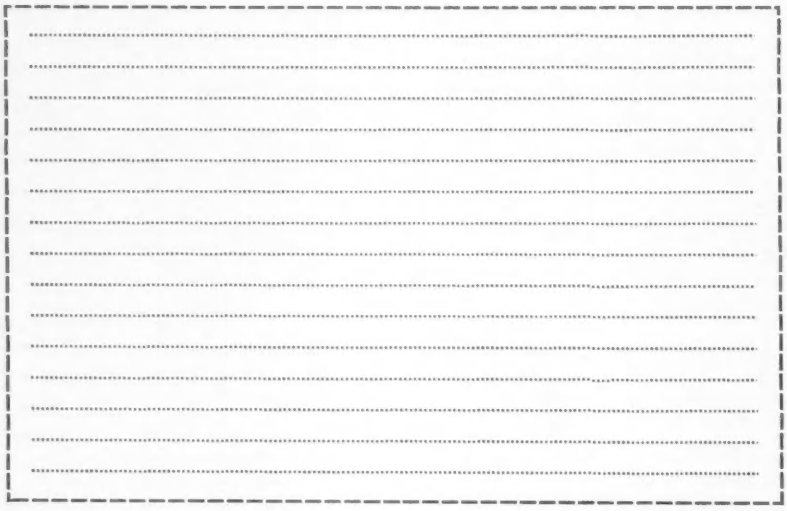

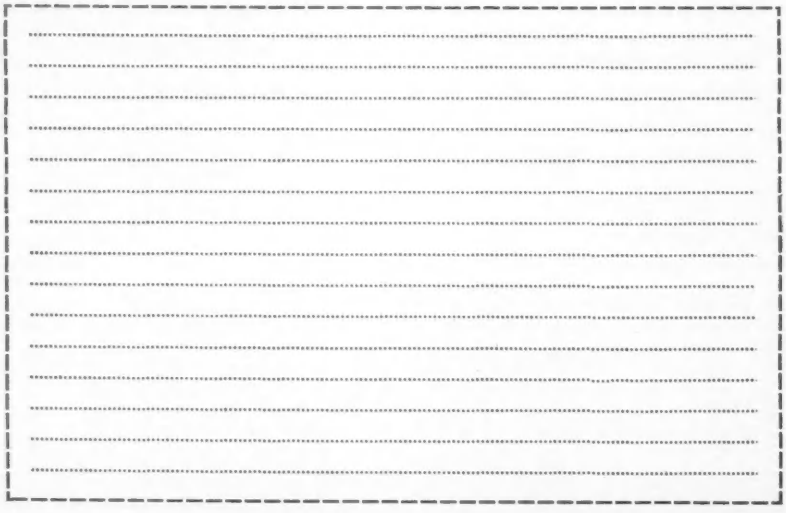

Rate Register

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(CAB) to approve a simplified transatlantic fare structure to become effective Nov. 1. Highlights of the proposal follow:

A new advance purchase inclusive tour (APIT) fare without group restrictions that will offer reductions up to 32% from existing group tour fares.

A new version of the present 22/45-day advance purchase excursion (APEX) fare to make it available for a longer period.

A more liberal advance purchase ticketing rule. At present a passenger must pay for his ticket within 7 days after making his reservation, even if the reservation is made 6 months before the trip takes place.

A reduction from 19 to 5 types of fares offered from U.S. to Europe & the Middle East.

• **Civil Aeronautics Board** (CAB) has turned down the requests of 8 domestic airlines for a 2% increase in air fares. CAB said the increase would have raised the airlines' profit return on investment too far above CAB's 12% guideline.

• On June 25, United Airlines asked **Civil Aeronautics Board** (CAB) to approve a fare system that tells passengers in advance they may be "bumped" from a flight even if they have confirmed reservations on that flight. In its filing, United said "it & other carriers have instituted a carefully designed system of overbooking," to protect them from having empty seats due to no-shows & cancellations.

CAB's **Office of the Consumer Advocate** (OCA) has recommended that CAB reject United's proposal. Consumers & others may wish to comment on the proposal by writing, before July 28, to Office of the Consumer Advocate, Civil Aeronautics Board, Washington, DC 20428. Unless CAB rejects the proposal, the new tariff will go into effect July 29.

Mail

• **Postal Service's** (PS) new rates, including 13¢ for first class postage and 9¢ for postcards, will become effective July 18. This action followed recommendations of the **Postal Rate Commission** (PRC) of June 30. These are the same rates that were put in effect on a "temporary" basis on Dec. 31, 1975. [RATE REGISTER: Oct 1 & Dec. 15, 1975; Jan 15, 1976].

Some other existing temporary rates & fees have been changed: Bulk regular rates will be reduced slightly. Bulk third class regular advertising, books — catalogs as well as some second class mail rates will be increased. Special delivery letters will cost $1.25 (instead of 80¢), money orders will start at 50¢ (instead of 30¢), & address correction charges will be 25¢ (instead of 13¢).